



**Governor's Commission
on DWI and
Impaired Driving**

1995 Final Report

**State of Missouri
Final Report
of the
Governor's Commission on
DWI and Impaired Driving**

**Submitted to
Governor Mel Carnahan
April, 1996
by
Dan A. Needham, Co-Chair
Michael Couty, Co-Chair**

Printed by the Missouri Division of Highway Safety

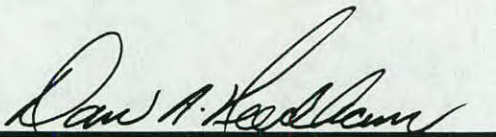
Foreward

The Governor's Commission on DWI and Impaired Driving presents herewith this Final Report for 1995.

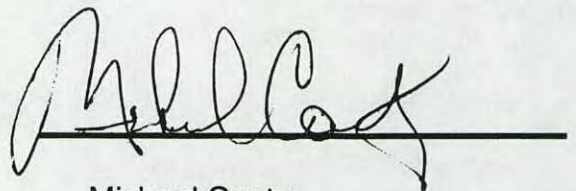
During the first full year, four Commissioners had to resign their positions. In spite of that, the remaining Commissioners attempted to narrow this complex problem into workable segments.

Four committees were established to address the following specific components: Law Enforcement/Adjudication; Legislation; Public Information & Education; and Treatment/Rehabilitation. With the assistance of support staff from state and local agencies, the committees wrote their mission statements and began to concentrate their efforts toward specific problems they felt they had the ability to impact.

As the Co-Chairs for this Commission, we would like to take this opportunity to thank each of the Commissioners for the time and commitment they have devoted to this effort. Special acknowledgement also goes to the staff who worked so diligently providing technical expertise and support. Finally, we wish to recognize the work of Vicky Williams, Kathy Shikles and Kris Farris who compiled and published this report.



Dan A. Needham



Michael Couty

Originally Appointed Members

Co-Chairs

Dan A. Needham, Director
Missouri Division of Highway Safety
P. O. Box 104808
Jefferson City, MO 65110
(573) 751-7643
Fax (573) 634-5977

Michael Couty, Director
Division of Alcohol and Drug Abuse
1706 East Elm Street
Jefferson City, MO 65101
(573) 751-4942
Fax (573) 751-7814

Commission Members:

Dorothy Herzog, Trauma Coordinator
St. Joseph Health Center
300 1st Capitol Drive
St. Charles, MO 63301
(314) 947-5111
Fax (314) 947-5117

Honorable Gary Witt
MO State Representative, Dist. 29
Capitol Building, Room 235-BB
Jefferson City, MO 65101
(573) 751-9460
Fax (573) 751-4853

Joyce Marshall, Executive Director*
Mothers Against Drunk Driving
1021 Southwest Blvd.
Jefferson City, MO 65101
(573) 636-2460
Fax (573) 636-2483

Corporal Rick Fletcher
Missouri State Highway Patrol, Troop A
P. O. Box 158
Lee's Summit, MO 64063
(816) 524-1407
Fax (816) 246-7177

James Blaine, M.D.*
Springfield Clinics
3231 S. National
Springfield, MO 65807
(417) 885-0830
Fax (417) 888-6766

Corporal Dwell T. Isringhausen
Missouri State Highway Patrol, Troop I
P. O. Box 128
Rolla, MO 65401
(573) 368-2345
Fax (573) 368-2352

Dale Findlay, Executive Director
Missouri Safety Council
611 East Capitol Avenue
Jefferson City, MO 65101
(573) 636-8167
Fax (573) 636-2278

Judge Robert G. Dowd, Jr.*
Missouri Court of Appeals
Wainwright State Office Building
111 N. 7th St.
St. Louis, MO 63101
(314) 340-6938
Fax (314) 340-6964

Betty Lohraff
Department of Elementary and Secondary Education
P. O. Box 480
Jefferson City, MO 65102
(573) 751-2641
Fax (573) 751-9434

Honorable Thomas McCarthy*
MO State Senator, Dist. 26
Capitol Building, Room 331
Jefferson City, MO 65101
(573) 751-4778
Fax (573) 7541-8377

Dwight Scroggins
Buchanan County Prosecutor
Buchanan County Courthouse
St. Joseph, MO 64501
(816) 271-1480
Fax (816) 271-1521

*These Commissioners have resigned their appointments.

New Members:

Charles Atwell
Wyrsh, Atwell, Mirakian, Lee & Hobbs
1300 Mercantile Tower, 1101 Walnut
Kansas City, MO 64106
(816) 221-0080
Fax (816) 221-3280

Rich Echols, Executive Director
Mothers Against Drunk Driving
1021 Southwest Blvd.
Jefferson City, MO 65101
(573) 636-2460
Fax (573) 636-2483

Honorable Joe Maxwell
MO State Senator, Dist. 18
Capitol Building, Room 329
Jefferson City, MO 65101
(573) 751-4200
Fax (573) 751-2745

Commission Staff Members:

Governor's Office
Angie Heffner

Department of Public Safety
Gary Kempker

Division of Highway Safety
Becky Covington
Kris Farris
Mary Johnson
Tempe Jones
Kathy Shikles
Vicky Williams

Division of Liquor Control
Keith Hendrickson

Missouri State Highway Patrol
Fred Mills
Marty Carso
Christina Hammers

Division of Alcohol and Drug Abuse
Ed Corcoran
Gerrit DenHartog

National Highway Traffic Safety Administration
Jim Green

Arnold Police Department
Robert Shockey

Cole County Sheriff's Department
Gary Woodward

Mission Statement

The Governor's Commission on Driving While Intoxicated and Impaired Driving shall review and make recommendations to the Governor, to the General Assembly, and to agencies of state government, as appropriate, on the following matters:

1. Changes, if any, that are needed to state statutes, relating to DWI and impaired driving that will be effective in reducing traffic accidents associated therewith;
2. Measures which will assist law enforcement and the judiciary to most effectively enforce Missouri's DWI laws;
3. Measures to help our citizens develop a clear understanding of the DWI laws of this State and the judicial system as it relates to these laws;
4. Review and identify current DWI prevention strategies in place statewide;
5. Assure there is a coordinated effort by networking with all highway safety advocate groups throughout the State of Missouri; and
6. Such other policies, rules and regulations, and laws or actions that the Commission believes would be effective in reducing DWI and impaired driving.

The Governor's Commission on Driving While Intoxicated and Impaired Driving shall report annually to the Governor on its activities and shall include any recommendations it deems appropriate.

Commission Overview

Governor Mel Carnahan established the Governor's Commission on DWI and Impaired Driving by Executive Order 94-14. The Commission was established as a result of a national survey compiled by Mothers Against Drunk Driving (MADD). The survey assessed each state to determine how effective and comprehensive their DWI countermeasure system was. One of the components MADD determined as crucial was a governor's advisory council which continually evaluates the system for changes and improvements.

The 13-member Commission was comprised of representatives from agencies and organizations impacting drunk and impaired driving. Meetings were held every other month in Jefferson City, Missouri, and were supplemented by committee meetings. In addition, the Commission held one public forum in conjunction with a statewide law enforcement meeting. In conjunction with that meeting, Jim Fell of the National Highway Traffic Safety Administration made a presentation to the Commission concerning graduated licensing.

During the regularly scheduled meetings, the Commissioners discussed legislative considerations, reviewed DWI processing forms required for law enforcement, and heard presentations by divisions, companies and individuals on existing programs, equipment, and specific cases respectively. In addition, the committees gave update reports on their actions.

Law Enforcement/Adjudication Committee

Members:

Dwight K. Scroggins, Jr., Chairman
Buchanan County Prosecuting Attorney

Judge Robert G. Dowd, Jr.
Missouri Court of Appeals

Dan A. Needham
Missouri Division of Highway Safety

Corporal Rick Fletcher
Missouri State Highway Patrol

Corporal Dwell Isringhausen
Missouri State Highway Patrol

Jim Murray
Mothers Against Drunk Driving

Becky Covington
Missouri Division of Highway Safety

Mary Johnson
Missouri Division of Highway Safety

Jim Green
National Highway Traffic Safety Administration

Sandra Mears
Department of Revenue

Steve Runge
Shrewsbury Police Department

Robert Shockey
Arnold Police Department

Gary Woodward
Cole County Sheriff's Department

Mission Statement:

1. Make appropriate referral and recommendations to the Legislative Committee involving changes in State Driving While Intoxicated-related statutes;
2. Review current law enforcement practices and procedures and make recommendations to the appropriate agencies for improvements;
3. Assess current available enforcement training, identify areas of deficiency and make appropriate recommendations;
4. Review current enforcement equipment in use, identify areas of equipment needs, and make appropriate recommendations to encourage adoption and implementation of standardized equipment and corresponding promulgation of rules and regulations by appropriate agencies.

Goals or Emphasis Areas:

Paperwork Reduction regarding forms/reports used in DWI arrests -- If Alcohol Influence Report (AIR) is revised, it could possibly eliminate two other forms the Highway Patrol currently uses.

Graduated Licensing -- Here, 16 year olds would receive limited licensing and become fully licensed at age 18.

Non-Lawyer Judges/Right to Counsel. Prosecutors have run into problems trying to use past municipal court DWI convictions handed down by non-lawyer judges. There have also been problems if the accused was not represented and did not waive right to counsel in writing.

Assisting Legislative Committee with Zero Tolerance Statute language and passage.

Reviewing safety equipment such as ignition interlock systems and feasibility of installation and maintenance.

Assisting Legislative Committee with statutory change making any flight in a vehicle from a law enforcement officer a felony offense.

Highlights:

The Law Enforcement/Adjudication Committee held five meetings in the calendar year 1995.

Topics discussed have been mentioned above as Emphasis Areas and below as Recommendations.

Discussion regarding Iowa's computerized DWI arrest reporting system was conducted. It would require development of a software package and a modem and data line for each law enforcement entity.

The April meeting was utilized to prioritize the committee's issues (many of which are mentioned in the above goals and emphasis areas).

Recommendations, Future Plans of Action, Topics to Address:

Remove the 90-minute arrest requirement in Section 577.039 (included in DWI legislation).

Provide funding for DWI enforcement — possibly a legislative change needed.

Reduce paperwork and time spent on DWI arrests including AIR form revision.

Provide statewide funding for Portable Breath Testers (PBTs). Make PBTs a funding prerequisite for Highway Patrol.

Study further Iowa's paperless system of DWI arrests.

Legislative Committee

Members:

Jim Blaine, M.D., Chairman
Springfield Clinics

Dwight K. Scroggins, Jr.
Buchanan County Prosecuting Attorney

Dan A. Needham
Missouri Division of Highway Safety

Michael Couty
Division of Alcohol and Drug Abuse

Dale Findlay
Missouri Safety Council

Gary Witt
Missouri State Representative

Gerrit DenHartog
Division of Alcohol and Drug Abuse

Beth Canuteson
Division of Alcohol and Drug Abuse

June Isenberg
Department of Revenue

Sandra Mears
Department of Revenue

Tempe Jones
Missouri Division of Highway Safety

Mission Statement:

To review existing law and suggest effective* legislation, rules and regulations. To work for their adoption, encourage their enforcement, and review their outcome.

*Effective:

1. Proven in other cities or states
2. Likely to pass in Missouri
3. Cost effective
4. Enforceable
5. Include public education

Goals or Emphasis Areas:

1. Zero Tolerance for drivers under 21 years of age (as defined as 0.02 or greater BAC).
2. Abolish the 90 minute rule (which requires the BAC be obtained within 90 minutes to prosecute for DWI).
3. Report all alcohol-related traffic arrests to the Missouri State Highway Patrol Crime Information Center.
4. "Consumption as possession" for use of intoxicants by minor.
5. Illegal per se level of blood alcohol reduced from current .10 to .08 BAC.
6. Continue to study the possibility of Dram Shop law.

Highlights:

The scheduled meetings usually coincided with and preceded the full DWI Commission meeting. Jim Fell from NHTSA in Washington, D.C. was invited and he spoke to our entire DWI Commission concerning graduated licensing and other topics of mutual interest including Zero Tolerance. One meeting was held with Governor Carnahan and his staff. The committee also met multiple times with members of the General Assembly as we plotted strategy. Several members testified at the General Assembly committee hearings as various bills were introduced.

Recommendations, Future Plans of Action, Topics to Address:

Our legislative priority is once again Zero Tolerance (.02 BAC) for drivers under 21 years of age. The committee felt a strong need to increase communication with the Governor's legislative advisors for the following two reasons:

1. The committee enjoys special grass roots type of relationship with many members of the General Assembly which has potential to complement the Governor's staff efforts.
2. The Committee wants to be sure their efforts are in synchrony with the Governor.

Treatment/Rehabilitation Committee

Members:

R. Dale Findlay, Chairman
Missouri Safety Council

Michael Couty
Division of Alcohol and Drug Abuse

Dorothy Herzog
St. Joseph Health Center

Vicky Williams
Missouri Division of Highway Safety

Ed Corcoran
Division of Alcohol and Drug Abuse

Gerrit DenHartog
Division of Alcohol and Drug Abuse

Mission Statement:

The Treatment and Rehabilitation Committee will be responsive to the stated objectives of the Governor's Commission on DWI and Impaired Driving by ensuring that Missouri's array of impaired driving reduction strategies includes a system for referring impaired driving offenders to appropriate levels of education, treatment and rehabilitation.

Goals or Emphasis Areas:

1. Legislative initiatives to clarify Missouri Statutes regarding the Substance Abuse Traffic Offenders Program (SATOP).
2. Continuing oversight activities to ensure that the Substance Abuse Traffic Offenders Program provides as a minimum:
 - a. An accurate assessment of all offenders to identify the extent of substance use involvement.
 - b. An appropriate referral to the recommended levels of education, treatment, and rehabilitation.
 - c. The availability of programs and supporting services throughout the State.
 - d. Meaningful training opportunities for program provider personnel.
 - e. The development of innovative strategies for treating the difficult and resistant person who is both a repeat offender and a treatment recidivist.
 - f. User fees adequate to provide program self-sufficiency.

Highlights:

The Committee met informally on two occasions and conferred regularly by telephone. It has not acted on specific issues awaiting results of full transformation of the old Alcohol Related Traffic Offenders Program to the new Substance Abuse Traffic Offenders Program (mandated by SB 167). The Committee will continue to monitor the system and the transition process. The Committee also gave several SATOP updates to the full Commission and gave a presentation on a state-run DWI incarceration facility in the State of Maryland.

Recommendations, Future Plans of Action, Topics to Address:

The Treatment and Rehabilitation section of the National Highway Traffic Safety Administration Program Advisory on Impaired Driving states in part, "Many first time impaired driving offenders and most repeat offenders have substantial substance problems that affect their entire lives, not just their driving. They have been neither prevented nor deterred from impaired driving. Each state should implement a system to identify and refer these drivers to appropriate substance treatment programs to change their dangerous behavior."

In this regard, the Treatment and Rehabilitation Committee will attempt to propose means by which treatment and rehabilitation can become a more significant (and better understood) factor in Missouri's overall DWI prevention and reduction strategy.

While many believe that incarceration is the best, and perhaps only answer to the problem of repeat and persistent DWI offenders, the concept may be both impractical and unaffordable. Courts, which under current Missouri law, try repeat DWI offenders, should be availed of an opportunity to mandate serious and appropriate treatment in these cases. Prison can, and should, remain a court option for recalcitrant offenders.

A rural Missouri Judge once described DWI offenders as being of three types: those who don't know, those who don't care, and those who can't help it. Education may help those who "don't know", while treatment and rehabilitation is an appropriate option for some of the "can't help it" type DWI offenders.

Public Information and Education

Members:

Dorothy Herzog
St. Joseph Health Center

Dale Findlay
Missouri Safety Council

Betty Lohraff
Department of Elementary and
Secondary Education

Christina Hammers
Missouri State Highway Patrol

Keith Hendrickson
Division of Liquor Control

Kris Farris
Missouri Division of Highway Safety

Vicky Williams
Missouri Division of Highway Safety

Mission Statement:

To develop and disseminate DWI-related information to the public, state and local government agencies, legislators, businesses, professional organizations, and special interest groups through, but not limited to, electronic and print media, brochures, tours, forums, speeches and personal contacts.

Goals or Emphasis Areas:

To review, identify, evaluate and make recommendations concerning:

1. How information is gathered and disseminated, and how to improve the processes if necessary;
2. How DWI and impaired driving issues are influenced by advertising and the beverage alcohol industry;
3. Who the players are in these issues and what their messages are;
4. What the positions are of the legislators;
5. What the geographical and cultural differences are in the state regarding DWI issues;
6. What current procedures are used to disseminate legislative information and how the public is educated on legislative issues.

Highlights:

In response to the national movement to use the term crash rather than accident when referring to a DWI incident, the Public Information and Education Committee felt it important for the Commission to be Missouri's leader in this movement. Therefore, a request was sent to the Governor's Office to change the executive order from DWI accident to crash with which the Governor's Office complied.

Because the DWI issue is so complex, and the members of the Commission are all from varied backgrounds, the Public Information and Education Committee felt it was important to develop a presentation and materials which outlined the DWI process and highlighted the problem areas. Color-coded handouts were developed which identified the criminal and administrative aspects of a DWI charge, as well as the problem areas in each. The Department of Revenue was also asked to provide a flow chart on its process. These materials, along with a list of acronyms, were presented at a full Commission meeting which generated much discussion.

Recommendations, Future Plans of Action, Topics to Address:

1. Develop a brochure containing facts and statistics about DWI and information concerning the Commission. This brochure would be distributed to members of the legislature and media and be used in general public awareness campaigns.
2. Meet with members of the Governor's public relations staff to discuss common goals and coordinate efforts.
3. Develop a news release regarding zero tolerance.
4. Become familiar with and endorse the Missouri Division of Highway Safety's public opinion survey on traffic safety.

FY95 Financial Summary of Expenditures

March 14, 1996

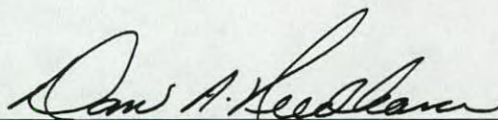
The Missouri Division of Highway Safety was assigned responsibility for facilitating the activities of the Commission and for financial liabilities. Funding was provided through an internal project utilizing special alcohol incentive money (National Highway Traffic Safety Administrative 408 and 410 grants).

The grant covered the following: mileage reimbursement for Commission members to attend meetings; lunch for Commissioners, support staff and invited guests (presenters); printing and mailing charges.

In an effort to ensure minimal costs, full Commission meetings were scheduled every other month from mid-morning to mid-afternoon so that participants would not incur overnight charges.

Secretarial support was provided by the Missouri Division of Highway Safety. There was no additional compensation for this effort.

Beginning Balance	\$20,000.00
Expenditures:	
Travel expenses for commission members	1,927.68
Meeting expenses	9,376.29
Printing	588.48
Postage and other supplies	333.76
Ending Balance	\$ 7,773.79



Approved: Dan A. Needham, Director
Missouri Division of Highway Safety



12

Governor's Commission on DWI and Impaired Driving

P.O. Box 104808, Jefferson City, MO 65110-4808

Phone (314) 751-4161, Fax (314) 634-5977

James Blaine, M.D.
Smith Glynn Callaway Clinic

April 11, 1996

Michael Couty, co-chair
Mo Alcohol and Drug Abuse

Robert G. Dowd, Jr.
Judicial Circuit Court

Dale Findlay
Safety Council

Rick Fletcher
Mo State Highway Patrol

Dorothy Herzog, R.N.
St. Joseph Health Center

Dwell T. Isringhausen
Mo State Highway Patrol

Betty Lohraff, Ph.D.
Elementary & Secondary Ed.

Thomas W. McCarthy
Mo Senate

Joyce Marshall
Mothers Against Drunk Driving

Dan Needham, co-chair
Mo Highway Safety

Dwight Scroggins
Buchanan County Prosecutor

Gary Witt
Mo House of Representatives

Honorable Mel Carnahan
Governor of Missouri
Capitol Building, Room 216
Jefferson City, MO 65101

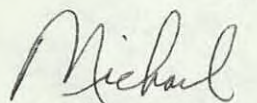
Dear Governor Carnahan:


Enclosed is the 1995 Final Report of your Commission on DWI and Impaired Driving. A copy of the distribution list has been forwarded to Angie Heffner.

The Commissioners and support staff are dealing with a very complex issue that will require constant review and ongoing work. We will continue in the same direction unless we hear otherwise from your office.

We will be most happy to review this report with you or your staff if required.

Sincerely,


Michael Couty
Co-chair


Dan A. Needham
Co-chair

Enclosure
copies: Chris Sifford
Angie Heffner

4-15-96- no resp nec
me

RECEIVED

APR 15 1996

GOVERNORS OFFICE

RECEIVED *ML*

MAY - 9 1996

GOVERNORS OFFICE



Governor's Commission on DWI and Impaired Driving

P.O. Box 104808, Jefferson City, MO 65110-4808

Phone (314) 751-4161, Fax (314) 634-5977

James Blaine, M.D.
Smith Glynn Callaway Clinic

May 7, 1996

Michael Couty, co-chair
Mo Alcohol and Drug Abuse

Robert G. Dowd, Jr.
Judicial Circuit Court

TO: Recipients of the Final Report for the Governor's
Commission on DWI and Impaired Driving

Dale Findlay
Safety Council

FROM: Dan A. Needham, Co-Chair *DAN*

Rick Fletcher
Mo State Highway Patrol

RE: Corrections to the Final Report

Dorothy Herzog, R.N.
St. Joseph Health Center

A few corrections have been brought to my attention in the 1995 Final Report for the Governor's Commission on DWI and Impaired Driving which was mailed on April 11, 1996. We apologize for these errors.

Dwell T. Isringhausen
Mo State Highway Patrol

Please replace the original sheets with the attached sheets.

Betty Lohraff, Ph.D.
Elementary & Secondary Ed.

/ks

Thomas W. McCarthy
Mo Senate

Joyce Marshall
Mothers Against Drunk Driving

*5-13-96 noted
me*

Dan Needham, co-chair
Mo Highway Safety

Dwight Scroggins
Buchanan County Prosecutor

Gary Witt
Mo House of Representatives

Legislative Committee

Members:

Jim Blaine, M.D., Chairman
Springfield Clinics

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Buchanan County Prosecuting Attorney

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Members:

Joyce Marshall, Chairperson
Mothers Against Drunk Driving

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St. Joseph Health Center

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